

REMARKS

I. Introduction

Claims 9 to 16 are currently pending in the present application. Claims 9 to 16 have been rejected by the Final Office Action. In view of the following remarks, it is respectfully submitted that the pending claims are allowable, and reconsideration is respectfully requested.

Applicants thank the Examiner for removal of the objection regarding the title and the withdrawal of the rejection of claim 10 under second paragraph of 35 U.S.C. 112.

II. Rejection of Claims 9, 10, and 12 under 35 U.S.C. §102(e)

Claims 9, 10, and 12 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,441,511 (the “Masudaya” reference). Applicants note that this rejection should be withdrawn for at least the following reasons.

To anticipate a claim under § 102(e), a single prior art reference must identically disclose each and every claim element. See Lindeman Maschinenfabrik v. American Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any claimed element is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997). Additionally, not only must each of the claim limitations be identically disclosed, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed invention, namely the inventions of the rejected claims, as discussed above. See Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986). To the extent that the Examiner may be relying on the doctrine of inherent disclosure for the anticipation rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

With regard to claim 9, the “Masudaya” reference does not identically disclose, or even suggest, the claim features of “a primary side including **two processors** configured to exchange data with one another; and a secondary side in communication with the primary side, the secondary side including **two processors** configured to exchange data with one

another.” Figure 1 of the “Masudaya” reference clearly illustrates that there is **only one processor (CPU 12)** supporting both the column side and the steering side. “[O]n the column side, there are provided, ... a first-carrier generation means 3 for generating a first carrier, a first modulation circuit 4 for modulating the first carrier, a first transmission circuit 14 for transmitting a first modulated carrier to the steering-wheel side, a second reception circuit 17 for receiving a signal from the steering-wheel side, a second demodulation circuit 11, a CPU 12” (The “Masudaya” reference, column 3, lines 62 to 67 (emphasis added)). A second CPU is neither shown in any of the figures nor mentioned anywhere in the reference. In fact, it is stated that “the second demodulated signal generated by the second demodulation circuit 11 is supplied to the CPU 12 too. The CPU 12 controls the operation of the other electronic equipment 13 in accordance with the second demodulated signal received from the second demodulation circuit 11.” (The “Masudaya” reference, column 5, lines 33 to 38.) Thus, only one CPU is provided in the “Masudaya” reference, and therefore Masudaya does not identically disclose or suggest the claim features of “a primary side including **two processors** configured to exchange data with one another; and a secondary side in communication with the primary side, the secondary side including **two processors** configured to exchange data with one another.”

In the “Response to Arguments” section, the Examiner argues that a processor may be “a modulation circuit, demodulation circuit, comparison circuit, transmission circuit, reception circuit, and other components which process signals on both a column side and a steering side.” It is respectfully submitted, that the components listed by the Examiner do not identically disclose the features of a processor as used in the context of the claimed subject matter. As an initial matter, claim 9 has the feature that “the **two processors** [are] configured to **exchange data with one another**.” For example, even if one stretches the meaning of “two processors” to encompass “two modulation circuits” as asserted by the Examiner, it is respectfully noted that the two modulation circuits do not exchange information with one another. Similarly, two demodulation circuits do not exchange information with one another. In fact, none of the components asserted by the Examiner as being equivalent to the claimed “processor” **exchange information with one another**.

Furthermore, in contrast to the presently claimed features, the “Masudaya” reference does not identically disclose or suggest to “transmit the **deployment signal via a first path**

and a **redundance signal** to the **deployment signal via a second path**.” Instead of redundancy to assure reliability, the “Masudaya” reference relies on comparing the demodulation signal to a predetermined pattern. For example, “the signal comparison means outputs an activation signal for activating an air bag only if the first demodulated signal matches the signal having the predetermined pattern.” (The “Masudaya” reference, column 2 lines 36 to 39.) Thus, redundancy is clearly not provided by the “Masudaya” reference; instead, the reliability of deployment is **not** a function of redundancy, but based on comparison to a predetermined pattern.

For at least the foregoing reasons, claim 9 and its dependent claims 10 and 12 are allowable over the “Masudaya” reference.

III. Rejections of Claims 11 & 13-16 under 35 U.S.C. §103(a)

Claim 11 has been rejected under 35 U.S.C. §103(a) as being unpatentable over the “Masudaya” reference in view of U.S. Patent No. 5,232,243 (the “Blackburn” reference). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to [modify] the [prior art] elements” in the manner claimed. See KSR Int’l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” Id., at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a “basis in fact and/or

technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Claim 11 depends from claim 9 and is therefore allowable for the same reasons as claim 9 since the secondary “Blackburn” reference does not cure (and is not asserted to cure) the critical deficiencies of the primary “Masudaya” reference as applied against parent claim 9.

Claims 13 to 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over the “Masudaya” reference in view of U.S. Patent No. 5,856,710 (the “Baughman” reference).

Claims 13 to 15 ultimately depend from claim 9 and are therefore allowable for the same reasons as claim 9 since the secondary “Baughman” reference does not cure (and is not asserted to cure) the critical deficiencies of the primary Masudaya reference as applied against parent claim 9.

Claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over the “Masudaya” reference in view of U.S. Patent No. 3,668,627 (the “Brainerd” reference).

Claim 16 ultimately depends from claim 9 and is therefore allowable for the same reasons as claim 1 since the secondary “Brainerd” reference does not cure (and is not asserted to cure) the critical deficiencies of the primary Masudaya reference as applied against parent claim 9.

For at least the foregoing reasons, claim 9 and its dependent claims 10 to 16 are in allowable condition. Accordingly, removal of the obviousness rejections is respectfully requested.

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IV. CONCLUSION

Applicants respectfully submit that all pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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